

Litchfield Planning Board

January 6, 2009

Minutes approved as amended 1/20/09

Members present:

Steve Perry, Chairman

Jayson Brennen, Vice Chairman

Alison Douglas, Clerk

Frank Byron, Selectmen's Representative

Edward Almeida. Alternate

Members not present:

Leon Barry

Marc Ducharme

Carlos Fuertes

Also present:

Joan McKibben, Administrative Assistant

Steve Wagner, Nashua Regional Planning Commission, Circuit Rider

AGENDA

**1. Public Hearing per RSA675:7 to discontinue zoning sections 1025 thru 1030
Housing for Older Persons**

**2. Kerrie Diers, NRPC, to update the Planning Board on the status of the
Economic Development Subcommittee**

Any Other Business:

- **Vote to Close Theroux Escrow Account**

- **Canberra Road Bond**

- **Minutes: 11/11/08, 11/18/08 and 12/2/08**

Chairman Perry called the meeting to order at 7:08 p.m. Mr. Almeida was appointed as a voting member.

1. Public Hearing

Review of Zoning Ordinance Sections 1025 – 1030 Housing for Older Persons for the discontinuance. Mr. Wagner provided a handout stating that sections 1025, 1026, 1027, 1028, 1029 and 1030 will be repealed. The handout also lists the existing developments

1 that are vested and are required to maintain their status. This is what will appear as the
2 new ordinance and the old version will be available at Town Clerk's office. Existing
3 developments: Gilcreast Farm; Stage Crossing; Woodland Place; Heritage Park; Canberra
4 Village; Annandale on the River; Blossom Court; and Pinecreek Village. The units are
5 vested under RSA674:39 and are required to maintain their status as Housing for Older
6 Persons and maintain compliance as approved and recorded at the Hillsborough County
7 Registry of Deeds.

8
9 Mr. Perry: If by doing this, will it change the vesting of the projects already started?

10
11 Mr. Wagner: Not to my knowledge. If they want to try to change from older persons, they
12 would have to come before the Planning Board for site plan review.

13
14 Mrs. Douglas: By repealing this, let's play devil's advocate, we have a developer that
15 comes in and wants to put a development up.

16
17 Mr. Wagner: He can do it legally; he just has to go by one acre zoning...he gets no
18 benefits, no incentives.

19
20 At 7:12 p.m. Jayson Brennen entered the meeting.

21
22 The vested developments were approved under current conditions and shall remain as
23 such. Mrs. McKibben said she spoke with Town Counsel and he said they are required to
24 maintain the status as approved. The ordinance can be reinstated if the Board decides it
25 wants to bring it back. Mr. Wagner also provided the language for the warrant article
26 repealing the older persons development regulation. The ordinance is being repealed due
27 to the fact that the Town is saturated with these developments and, furthermore, there are
28 a lot of units unfinished. (338 units approved to date, approximately 50% built)

29
30 The warrant article will read: No new developments or additional units shall be approved
31 under this section. Existing approved developments are vested under RSA674:39 and are
32 required to maintain their status as Housing for Older Persons as approved and recorded
33 at the Hillsborough Registry of Deeds as of November 10, 2008.

34
35 Chairman opened the hearing to public comment. There was no public comment. Public
36 comment Closed.

37
38 Mrs. Douglas **MOTIONED** that we approve to discontinue zoning sections 1025 thru
39 1030 per RSA675:7 Housing for Older Persons. Mr. Almeida seconded. Motion carried
40 5-0-0.

41
42 **2. Economic Development Subcommittee**

43
44 Kerrie Diers, Assistant Director, NRPC, could not be present this evening so Steve

Litchfield Planning Board

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1 Wagner gave an update on the status of the Litchfield Economic Development
2 Subcommittee. He reviewed the handout CTAP Economic Development Project Status
3 Report. The Subcommittee, as authorized by the Planning Board, has been meeting
4 numerous times and they updated the goal section from the previous plan to come up
5 with recommendations for the projects of Phase I portion of the CTAP plan.

6
7 The Subcommittee is looking for the Board to authorize the following three projects:

8
9 Economic Development Website
10 Business Survey
11 Economic Development Summit
12

13 The packet outlines topics to be discussed. Mr. Almeida said Steve Schaffer, NRPC, is
14 working on the build-out analysis and he could speak with the Board on this subject.
15 Regarding the business survey to be distributed to businesses, Mr. Almeida said it could
16 be done through the web site. He said that it had also been suggested possibly generating
17 revenues through the web site. Mr. Wagner said that Jill Simonetti, NRPC, could design
18 the web page and it would not cost the Town money because it comes under this funding.

19
20 Mr. Almeida said there was a suggestion of possibly putting information into a data base
21 such as sites and plats so when someone goes into the economic web site, they can bring
22 up all the available parcels. It was suggested coordinating with Avitar (Town's assessing
23 firm) information and tapping into the data base. Mr. Brennen told the Board that his
24 company has done about 50 of these sites and that is what they did in Londonderry. They
25 worked with the economic head and figured out what parcels were developable parcels
26 and pulled information from their assessing system. This was discussed. Mr. Brennen
27 said it is a very simple process. Mr. Brennen said he would be interested in helping with
28 the web site. Mr. Byron said they would also need to work with the web masters and John
29 Brunelle.

30
31 It was said to work closely with DRED to see if the Town is compatible with what they
32 have. Mr. Brennen said it would be nice to inventory potential developable parcels.

33 The Subcommittee and John Brunelle should get together.
34

35 Mr. Byron suggested: 1. Get some type of an action from the Planning Board saying it
36 makes sense and go ahead with it. 2. Get all the players together to talk about what you
37 want to do and see if it feasible and then bring it to the Board of Selectmen; have a
38 presentation. Mrs. McKibben mentioned Jill had stated that the Economic Subcommittee
39 could have their own web site and maybe link that to the Litchfield web site. To this, Mr.
40 Almeida said that there is some limitation to the amount of content that can be presented
41 on the Litchfield site.

42
43 Mr. Perry **MOTIONED** to endorse the projects recommended by the Economic

1 Development Subcommittee: 1. Website 2. Business Survey 3. Summit. Mrs. Douglas
2 seconded. Mr. Brennen “by endorsing them, it is allowing them to move forward to do
3 whatever they have to do?” Mr. Byron **AMENDED MOTION** to allow them to move
4 forward with our full endorsement. Mrs. Douglas seconded. Vote on Amendment.
5 Motion carried 5-0-0. Main motion: Motion carried 5-0-0.

6
7 **Any Other Business**
8

9 **Theroux Escrow Account** - Mrs. McKibben said that there are no outstanding bills and
10 there is \$1.92 remaining in the account. The Treasurer has moved all of the money. Mrs.
11 McKibben looking to close out the Theroux account. Mrs. Douglas **MOTIONED** to
12 Close the escrow account for the Theroux subdivision. Mr. Brennen seconded. Motion
13 carried 5-0-0. Mrs. McKibben to provide the request to the Town Treasurer.

14
15 **Canberra Road Bond** – Mrs. McKibben came forward to talk about the culvert situation
16 with the water. She said she spoke with Lou Caron of L.C. Engineering and he wanted to
17 wait until spring to view the situation. The problem is the bond has expired and the bank
18 wants resolution. Mr. Caron said to talk to the Road Agent but she had not been able to
19 speak with him. She received an email from the Road Agent back in December that said
20 he looked at Dixon and first he had said no catch basin will catch everything. In
21 December he said the paving around the catch basin is not allowing all the water to flow
22 into it and if it were pitched better, the water would flow directly into the basin. Mrs.
23 McKibben said that Mr. Caron has not been physically present when the heavy rains
24 came.

25
26 She showed the Board pictures of the culvert taken December 10, 2008. She said that the
27 water is not coming from Pinecrest but to this Mr. Perry said that it was. Mr. Perry:
28 When the water sheets and there is enough rain, it goes straight down to Pinecrest. The
29 water actually comes down on the other side of the road because the road has a little crest
30 in the middle and the water comes down on the right side.

31
32 Mr. Caron had suggested another alternative is to get a water truck out there and see what
33 happens. Mr. Perry: This patch job around the basin, Lou had recommended putting in a
34 second basin.

35
36 Some more pictures taken by Hayner Swanson Engineering on June 23, 2008, were
37 reviewed. Mrs. McKibben said that Hayner-Swanson had said they witnessed the catch
38 basin during moderate to heavy rainfall and it appears the structure is working.

39
40 Talk continued. It was said that during heavy rains, no catch basins can catch all the
41 water. At this time, Mr. Byron contacted the Road Agent by phone. Mr. DeCosta said that
42 the culvert is working as designed. He feels that it is working as designed but the main
43 stream instead of going into the catch basin goes to Pinecrest Road.
44

1 He recommended getting the asphalt adjusted so that all the water gets into the basin
2 instead of around it...it is only a little section, 10 inches from the curb. As to adding a
3 second catch basin, Mr. DeCosta does not recommend it. He said he had mentioned to
4 Joan that there are high flow drain covers available that could be used. There are a few
5 of them on Robin Avenue.

6
7 All in all, Mrs. McKibben will ask Kevin Slattery (developer) to do a slight regrading of
8 asphalt around the catch basin to make it a direct hit so it takes all the water away.

9
10 Mr. Byron: It looks like from the pictures the stream hits the catch basin but the center
11 line of the road, the edge of the catch basin seems to be a little low and if they were to
12 bring it up a little, it would swing around and catch the rest of the catch basin again.

13
14 Mr. Perry: This is the perfect picture to show him how the water goes around it.
15 That is what needs to be taken care of. Leave it up to him and say the recommendation
16 of the Road Agent is to regrade the asphalt in this area. If to him it is easier to pop in
17 another grate, pop in another grate, but as long as that water is not going around it like
18 that any more, that is what we want.

19
20 Talk went on. Mr. Perry: It seems as though the centerline of the water stream coming
21 down is on the outside edge of that grate; so, instead of redoing the road if popping in
22 another grade is easier for him than trying to mess with what is already there.

23
24 **Minutes** - Mrs. Douglas **MOTIONED** to accept the November 11, 2008, minutes as
25 amended. Mr. Almeida seconded. Motion carried 4-0-1.

26
27 Mr. Brennen **MOTIONED** to accept the November 18, 2008, as written. Mr. Almeida
28 seconded. Motion carried 4-0-1.

29
30 Mr. Byron **MOTIONED** to accept the minutes of December 2, 2008, as amended. Mr.
31 Almeida seconded. Motion carried 3-0-2.

32
33 **NRPC Contract** - Chairman Perry talked about the NRPC (Nashua Regional Planning
34 Commission) contract for next year and the contract says shall not exceed a certain
35 amount. Mr. Perry said it has never gone under...so what happens if it is December and
36 we are over the amount. The contract reads that the method of payment shall be
37 submitted monthly invoiced to the town which itemizes the time charged to the contract
38 and any direct costs incurred as well as time spent on specific jobs reimbursable by
39 applicant. This was discussed.

40
41 Also, the fee for the planner went up to \$60.00 per hour. Normally the Town is notified
42 prior to the increase. Mr. Wagner said he has asked in the past to notify the Town when
43 the amount is close to exceeding the budget. Mr. Perry questioned what happens when
44 the budget is exceeded and the Town still needs the services.

Build-out Mapping - The Board will meet with Mr. Steve Schaffer, NRPC, regarding the build-out scenario at the next meeting on January 20, 2009.

Building Code - Mr. Byron brought up the matter of the building code, as referenced in the ordinances, has expired. Mr. Perry said that he spoke with the inspector last Monday and he was waiting for something to happen. Mr. Byron: It creates a problem because we are directing the Code Enforcement Officer to inspect under certain codes and the State does not use those codes. Mr. Wagner said he was to get with Kevin (Lynch) but the truth is the State code is the default code and it does not matter what you have in writing.

The Board discussed what to submit into the ordinance regarding the State building code. It was agreed to place an Ad in the papers and to hold a hearing on January 20, 2009, at 7:00 p.m. Mrs. McKibben will take care of placing the Ad. Mr. Wagner will discuss the information with the Code Enforcement Officer Kevin Lynch tomorrow.

Work Sessions - The Board reviewed the list of items to be worked on at upcoming work sessions. Some of the items listed to be updated or adopted are: the sign ordinance update, a driveway permit, permitted uses, telecommunications ordinance, amateur radio towers, storm water, wetlands, workforce or inclusionary ordinance, groundwater protection ordinance, create energy section in zoning to address wind, solar, landscaping, etc. Mr. Brennen talked about wind farms. This was discussed as to adopting an ordinance. Mr. Wagner to look over changes to be made to the sign ordinance and it will be reviewed at the next meeting.

Stimulus Packages - Mr. Brennen said that his company has been working with cities in Massachusetts getting ready for a possible economic stimulus package from the Government. They are lining up projects that are shovel ready like Winter Circle, etc. He wanted to make the Selectmen aware of it.

There being no further business, Mr. Brennen **MOTIONED** to adjourn the meeting. Mrs. Douglas seconded. Motion carried 5-0-0. The meeting adjourned at 9:08 p.m.

Lorraine Dogopoulos
Recording Secretary